

Appl. No. 09/938,260  
Reply to Office action of 09/15/2003

### **REMARKS/ARGUMENTS**

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 28 and 30-38 are pending in this case. Claim 28 is amended herein and claims 34-38 are added herein. Claim 29 is cancelled herein.

The Examiner rejected claims 28-30, 32 and 33 under 35 U.S.C. § 102(e) as being anticipated by Han et al. (U.S. 6,429,129 B1).

Applicant respectfully submits that amended claim 28 is patentable over Han et al as there is no disclosure or suggestion in the references of a liner comprising silicon boron-carbide located on and between metal interconnect lines. Han et al disclose a silicon carbide liner, not silicon boron-carbide. Accordingly, Applicant respectfully submits that claim 28 and the claims dependent thereon are patentable over the references.

The Examiner rejected claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Han as applied to Claim 28 above, and further in view of Loboda et al. (U.S. 5,818,071).

Applicant respectfully submits that claim 31 is patentable over Han in view of Loboda for the same reasons discussed above relative to claim 28, from which claim 31 depends. The references do not disclose or suggest a silicon boron-carbide liner.

Applicant respectfully submits that newly add claim 34 is patentable over the references as there is no disclosure or suggestion in the references of a liner comprising silicon oxy-carbide located on and between metal interconnect lines. Han teach s a silicon carbide liner, not a silicon oxy-carbide layer. Loboda is applied to

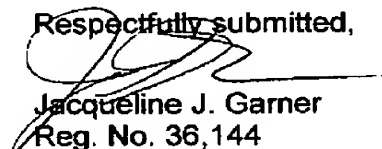
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teach a multilevel device. Accordingly, Applicant respectfully submits that claim 34 and the claims dependent thereon are patentable over the references.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 28 and 30-38. If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address.

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Respectfully submitted,



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